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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,454	08/30/2001	Steven B. Horn	21710-67943	9738

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EXAMINER

OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,454	HORN ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the Amendment filed on 05/05/06, the following have occurred: claims 11-19 have been cancelled, claims 1 and 5-10 have been amended, and claims 1-10 remain pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ferstenberg et al (Ferst hereinafter, US PAT: 5,873,071).

Re claim 1. Ferst discloses a method for transaction management and processing in a trading environment comprising: providing an Order Management System for receiving Orders; processing Orders, by way of said Order Management System (see abstract, also see col.39 lines 25-67 through col.40 lines 1-67), whereby processing Orders further comprising the steps of;

Providing each of the Orders with a respective session (i.e., as each client connects to the OM system, an interface process of the type specialized for handling that client is preferably spawned. This interface process maintains the connection to the client, and terminates after the client disconnects from the system. To decrease computational overhead, and thereby to increase performance, an OM system is adaptable to more complex client interface

process which are capable of simultaneously supporting and maintaining connections to several clients.....for these systems, a separate interface process is created for each participant during that participant's access to the OM system. The client interactive software and interface processes of this type are preferably specialized to take advantage of this dedicated access link, see col.40 line 55 through col.41 line10); providing Orders from an Order Management System to an Exchange (see col.41 lines 17-50, also see col.42 lines 5-30); providing transaction information for Orders from an Exchange to an Order Management System (see col.41 lines 17-50, also see col.42 lines 5-30); and whereby said Order Management System comprises components selected from the group comprising; at least two cooperating services, in-memory cache (see col.41, lines 10-15, also see col.51, lines 5-10), and client API (see col.39 lines 25-65).

Re claim 2. Ferst further discloses a method wherein the step of providing an Order Management System for receiving Orders further comprises providing said Order Management System in a distributed computing environment (see abstract).

Re claim 3. Ferst further discloses a method wherein the step of providing an Order Management System for receiving Orders further comprises providing said Order Management System in a multi-threaded implementation (see col.51 lines 37-40).

Re claim 4. Ferst further discloses a method wherein said components are, at

least in part, written in C++ (see col.51 lines 27-30).

Re claim 5. Ferst further discloses a method for order processing comprising; accepting a plurality of Orders through a client API; providing, from said client API, said Order to a Session Manager; providing a respective for each one session of said Orders; transmitting said Order from said Session Manager to an Entry Service; and, attempting to Validate said Order through a Validation Service (see col.41 lines 40-67).

Re claim 6. Ferst discloses a method further comprising the step of failing to Validate said Orders (i.e., removing problematic data, see col.44 lines 15-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferst in view of Gutterman et al (Gutt hereinafter, US PAT: 5,297,031).

Re claims 7 and 10. Ferst discloses a method further comprising the steps of: validating said Order/object (see col.41 lines 11-15); notifying an Entry Service through said Validation Service (see col.42 lines 5-10); transmitting said Order from said Entry Service to a Transaction Service (i.e., orders see col.42 lines 5-10). Ferst does not explicitly disclose creating an Object for each of said Orders.

However, Gutt makes this disclosure (see col.10 lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

Re claim 8. Ferst does not explicitly disclose a method wherein the step of creating an Object for each of said Orders comprises creating an Order Object.

However, Gutt makes this disclosure (see col.10 lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

Re claim 9. Ferst does not explicitly disclose a method wherein the step of creating an Object for each of said Orders said Order comprises creating an Execution Object. Gutt makes this disclosure (i.e., a fill pane object see col.10 lines 15-50). Thus, it would have been obvious to one of ordinary skill in the art to combine Ferst with Gutt to implement user-definability of the OMS system.

Response to Arguments

6. Applicant's arguments filed 05/05/06 have been fully considered but they are not persuasive. The applicant argues in substance that the primary reference, Ferstenberg fails to teach the newly added limitation "providing each of the Orders with a respective session." Contrary to the applicant's assertion, Ferst makes this disclosure (i.e., as each client connects to the OM system, an interface process of the type specialized for handling that client is preferably spawned. This interface process maintains the

connection to the client, and terminates after the client disconnects from the system. To decrease computational overhead, and thereby to increase performance, an OM system is adaptable to more complex client interface process which are capable of simultaneously supporting and maintaining connections to several clients..... Client interfaces can be of two general types: a first type in which a separate interface instance is required for each separate instance of participant access, and a second type in which multiple participants are multiplexed over a single instance of a client interface. Client interfaces for general clients 79, limited clients 80, and trading workstations 81 are representative of the first type of client interfaces for these systems, a separate interface process is created for each participant during that participant's access to the OM system. The client interactive software and interface processes of this type are preferably specialized to take advantage of this dedicated access link, see col.40 line 55 through col.41 line10). Thus Ferst teaching that a separate interface instance (i.e., session) is required for each separate instance of participant access reads on applicant's limitation of "providing each of the Orders with a respective session."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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